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Patent  
Customer No.: 022870  
Docket No.: 20908.002US

JUL 14 2004

UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OPERATIONS

OFFICIAL

Applicant: BITTNER, Christoph  
Application No.: 10/088791  
Filing Date: 21 March 2002  
Title: METHOD AND DEVICE FOR  
CHARACTERIZING A CULTURE  
LIQUID

Art Unit: 1651  
Examiner: Weber, J.P.

**RESPONSE**

Via Fax: +1.703.872.9306

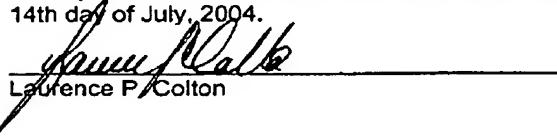
14 July 2004

Mail Stop Response - No Fee  
Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

Sir:

The Office Action dated 14 April 2004 from examiner Jon P. Weber of Art Unit 1651 has been received. The following is submitted in response.

I certify that I have transmitted this document to the USPTO via facsimile to +1.703.872.9306, this 14th day of July, 2004.

  
Laurence P. Colton

**STATUS**

The above-captioned patent application is pending.

Claims 1-28 are pending in the patent application.

Claims 1-28 are subject to a claims restriction and a species election.

**RESTRICTION**

Applicant restricts the patent application to Group I, namely, Claims 1-9 and 22-24, drawn to a method of determining the living from the dead cells in a culture. This restriction is made with traverse.

**ELECTION**

Applicant elects the species of Species a, namely, the species corresponding to the second form of illumination of a bright field. Method Claims 1, 2, 6-9, and 22-24 and Apparatus Claims 10-21 and 25-28 are directly readable on the elected species. This election is made with traverse. Applicant notes that the examiner has determined that Claims 1, 10, 22, and 25 are generic, and as all other claims depend from or ultimately from these claims, Applicant submits that all claims are allowable.